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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,201	02/13/2001	Roger D. Wood	06683.0002.NPUS00	7037
718	7590	10/09/2007	EXAMINER	
REED SMITH LLP			GYORFI, THOMAS A	
P.O. BOX 488				
PITTSBURGH, PA 15230-0488				
			ART UNIT	PAPER NUMBER
			2135	
			MAIL DATE	DELIVERY MODE
			10/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/781,201	<b>Applicant(s)</b> WOOD, ROGER D.	
	<b>Examiner</b> Tom Gyorfi	<b>Art Unit</b> 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-9,11 and 13-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-9,11 and 13-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-5, 7-9, 11, and 13-44 remain for examination. The correspondence filed 7/23/07 added claims 31-44, amended claims 1, 4, 5, 11, 13, 17, and 23; and cancelled claims 6, 10, and 12.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/23/07 has been entered.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-44 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 39 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. Claim 39 recites the limitation "said machine-readable portion"; however, there is insufficient antecedent basis for this limitation in the claim. Note that the machine-readable portion of claim 38 does not apply, as claim 39 has no dependency on claim 38 as currently presented.

***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1, 2, 4, 5, 5, 7-9, 11, 13, 14, 17-21, 23-25, 27-41, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman (U.S. Patent 6,068,183) in view of "A Bright New Page in Portable Displays" (see the Office Action of 8/8/06; hereinafter, "Crawford")

Referring to Claim 1:

Freeman discloses a portable authentication device, comprising: a body (Fig 1A; col. 2, lines 50-60); a contact area disposed in said body, the contact area being adapted for receiving externally-supplied power and being adapted for communicating data between the authentication device and an authentication device interface (col. 2, lines 62-65; col. 3, lines 33-39; col. 6, lines 47-58); an identification portion disposed in said body (col. 2, lines 59-62); a display area disposed in said body (col. 3, lines 1-10; col. 6, lines 10-30) wherein data remains displayed on the display when power is not

Art Unit: 2135

supplied to the display (col. 6, lines 11-16); and a processor, disposed in said body, for providing data to said active display (col. 3, lines 30-40).

Freeman does not appear to disclose wherein the display is an active reflective bistable display. However, subsequent to the Freeman disclosure Crawford discloses a number of display alternatives to those then used by Freeman, suitable for use in portable devices (page 41, "The Paper Chase") and each with their own particular advantages (page 46, "What's Next" and Table 1). For example, the electrophoretic displays (pages 45-46, "Incarcerating Dispersions" are disclosed as being active (page 44, sidebar: "On the other hand...") reflective (page 45, "Any kind of electrophoretic display...") bistable (Ibid) display. Accordingly, the claim would have been obvious because the substitution of one known element for another would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Referring to Claim 17:

Freeman discloses an authentication system, comprising: a portable authentication device having a display (col. 3, lines 1-10; col. 6, lines 10-30); a communication portion for receiving externally-supplied power and for communicating data between the authentication device and an authentication device interface (col. 2, lines 62-65; col. 3, lines 33-39; col. 6, lines 47-58); an internal power mechanism disposed in said body and adapted for storing externally supplied power (Ibid); a display area wherein data remains displayed on the display when power is not supplied to the display (col. 3, lines 1-10; col. 6, lines 10-30); and a database server (col. 4, lines 15-30,

40-50); and an authentication device interface, coupling said portable authentication device and said database server (Fig 3).

Freeman does not appear to disclose wherein the display is an active reflective bistable display. However, subsequent to the Freeman disclosure Crawford discloses a number of display alternatives to those then used by Freeman, suitable for use in portable devices (page 41, "The Paper Chase") and each with their own particular advantages (page 46, "What's Next" and Table 1). For example, the electrophoretic displays (pages 45-46, "Incarcerating Dispersions" are disclosed as being active (page 44, sidebar: "On the other hand...") reflective (page 45, "Any kind of electrophoretic display...") bistable (Ibid) display. Accordingly, the claim would have been obvious because the substitution of one known element for another would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Referring to Claim 23:

Freeman discloses a method for authenticating a patron having an authentication device, comprising: providing an authentication device having; a display (col. 6, lines 10-30); updating a database server with authentication data associated with a venue (col. 5, lines 10-15, 50-65); displaying display data corresponding to the authentication data on the authentication device (col. 5, lines 60-65); establishing a communication between the authentication device and the database server; and deciding whether to grant the patron access to the venue based on the communication (col. 2, lines 1-10; col. 5, lines 40-65).

Freeman does not appear to disclose wherein the display is an active reflective bistable display. However, subsequent to the Freeman disclosure Crawford discloses a number of display alternatives to those then used by Freeman, suitable for use in portable devices (page 41, "The Paper Chase") and each with their own particular advantages (page 46, "What's Next" and Table 1). For example, the electrophoretic displays (pages 45-46, "Incarcerating Dispersions" are disclosed as being active (page 44, sidebar: "On the other hand...") reflective (page 45, "Any kind of electrophoretic display...") bistable (Ibid) display. Accordingly, the claim would have been obvious because the substitution of one known element for another would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Regarding claim 32:

Freeman discloses a portable authentication device, comprising: a body (Fig 1A; col. 2, lines 50-60); a communication portion for receiving externally-supplied power and for communicating data between the authentication device and an authentication device interface (col. 2, lines 62-65; col. 3, lines 33-39; col. 6, lines 47-58); an internal power mechanism disposed in said body and adapted for storing externally supplied power (Ibid); an identification portion disposed in said body (col. 2, lines 59-62); a display area disposed in said body (col. 3, lines 1-10; col. 6, lines 10-30) wherein data remains displayed on the display when power is not supplied to the display (col. 6, lines 11-16); and a processor, disposed in said body, for providing data to said active display (col. 3, lines 30-40).

Freeman does not appear to disclose wherein the display is an active reflective bistable display. However, subsequent to the Freeman disclosure Crawford discloses a number of display alternatives to those then used by Freeman, suitable for use in portable devices (page 41, "The Paper Chase") and each with their own particular advantages (page 46, "What's Next" and Table 1). For example, the electrophoretic displays (pages 45-46, "Incarcerating Dispersions" are disclosed as being active (page 44, sidebar: "On the other hand...") reflective (page 45, "Any kind of electrophoretic display...") bistable (Ibid) display. Accordingly, the claim would have been obvious because the substitution of one known element for another would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Referring to Claims 2 and 36:

Freeman and Crawford disclose the limitations of Claims 1 and 32 above. Freeman further discloses a card approximating a size and shape of a standard credit card (col. 2, lines 15-25; col. 6, lines 55-65).

Referring to Claim 4:

Freeman and Crawford disclose the limitations of claim 1 above. Freeman further discloses wherein said processor is enabled for processing authentication information received from the authentication device interface (col. 2, lines 30-55).



Referring to Claims 5 and 33:

Freeman and Crawford disclose the limitations of Claim 1 and 32 above.

Freeman further discloses the device comprising at least one contact (col. 2, 62-65).

Referring to Claims 7 and 38:

Freeman and Crawford disclose the limitations of Claims 1 and 32 above.

Freeman further discloses said active display comprising: a variable display (col. 6, lines 10-30); wherein said variable display is enabled for bistable display of authentication information (col. 2, lines 1-10).

Referring to Claims 8 and 39:

Freeman and Crawford disclose the limitations of Claims 1 and 32 above.

Freeman further discloses a machine-readable portion, coupled to said body, enabled for storage of machine-readable data (Fig 7; col. 15, lines 15-23).

Referring to Claims 9 and 40:

Freeman and Crawford disclose the limitations of Claims 8 and 32 above.

Freeman further discloses said machine-readable portion comprises at least one of a magnetic strip and an optically-readable portion (Fig 1B; col. 2, 60-67; col. 5, 15-23).

Referring to Claims 11 and 34:

Freeman and Crawford disclose the limitations of Claims 1 and 32 above.

Freeman further discloses a wireless transmitter/receiver for enabling said authentication device for wireless communication between said authentication device and an authentication device interface (Fig 5A; col. 2, lines 65-68).

Referring to Claims 13 and 35:

Freeman and Crawford disclose the limitations of Claims 11 and 32 above.

Freeman further discloses an antenna embedded in said body for communicating data between said wireless transmitter/receiver and a location external to said authentication device (col. 2, lines 65-68; col. 5, lines 25-45).

Referring to Claims 14 and 41:

Freeman and Crawford disclose the limitations of Claims 1 and 32 above.

Freeman further discloses a memory portion, disposed in said body, enabled for storing data (col. 3, lines 45-55).

Referring to Claim 18:

Freeman and Crawford disclose the limitations of Claim 17 above. Freeman further discloses an authentication device reader, coupled to said authentication device data interface, for communicating directly with and identifying said portable authentication device (col. 2, lines 30-35; Fig 3-4; col. 4, lines 15-30; col. 2, lines 1-10).

Referring to Claim 19:

Freeman and Crawford disclose the limitations of Claim 17 above. Freeman further discloses a public network in communication with each of said portable authentication device, said database server and said authentication device interface (col. 5, lines 50-65; Fig 5A).

Referring to Claim 20:

Freeman and Crawford disclose the limitations of Claim 17 above. Freeman further discloses a venue portion, coupling said database server and said authentication device data interface; wherein said venue portion communicates authentication data associated with a venue to said authentication device interface upon detection of said authentication device (col. 5, lines 50-65; col. 2, lines 1-10).

Referring to Claim 21:

Freeman and Crawford disclose the limitations of Claim 17 above. Freeman further discloses a patron portion, coupling said database server and said authentication device interface; wherein said patron portion communicates authentication data associated with a venue to said database server in response to a request by a patron (col. 5, lines 50-62; Fig 3-5A).

Referring to Claim 24:

Freeman and Crawford disclose the limitations of Claim 23 above. Freeman further discloses comparing identification data of the authentication device and the authentication data; and granting to the patron access to the venue if the identification data of the authentication device and the authentication data match (col. 2, lines 1-10; col. 5, lines 55-65).

Referring to Claim 25:

Freeman and Crawford disclose the limitations of Claim 24 above. Freeman further discloses the identification data is identifiable with the patron based on patron data stored in the database server (col. 4, lines 5-35).

Referring to Claim 27:

Freeman and Crawford disclose the limitations of Claim 23 above. Freeman further discloses said establishing is of a communication link between an authentication device interface located at venue and the database server (Fig 5A; col. 5, lines 50-65).

Referring to Claim 28:

Freeman and Crawford disclose the limitations of Claim 23 above. Freeman further discloses receiving a request from the patron for authorization to enter the venue; wherein said updating is in response to the request (col. 2, lines 1-10).

Art Unit: 2135

Referring to Claim 29:

Freeman and Crawford disclose the limitations of Claim 28 above. Freeman further discloses the request is received from a location remote to the database server (Fig 3; col. 5, lines 1-20; col. 5, lines 50-65).

Referring to Claim 30:

Freeman and Crawford disclose the limitations of Claim 23 above. Freeman further discloses said establishing takes place over a public network (Figures 3-5A; and col. 5, lines 40-60).

Regarding claim 31:

Freeman and Crawford disclose the limitations of Claim 1 above. Freeman further discloses an internal power mechanism disposed in said body and adapted for sorting externally supplied power (col. 6, lines 47-51).

Regarding claim 44:

Freeman and Crawford disclose all the limitations of Claim 32 above. Freeman further discloses wherein said processor is enabled for processing authentication information received from the authentication device (col. 3, lines 32-40).

Art Unit: 2135

8. Claims 3 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Crawford as applied to claims 2 and 36 above, and further in view of Haddock et al. (U.S. Patent 4,736,966).

Referring to Claims 3 and 37:

Freeman and Crawford disclose the limitations as discussed in claims 2 and 36 above. Neither Freeman nor Crawford disclose "said card is approximately 85 millimeters (mm) in length, 55mm in width, and 1mm thick." However, Freeman does disclose that the card is readable by ATM machines. In addition, Haddock teaches that a standard credit card size that permits usage in an ATM machine is 85mm X 55mm (Haddock, col. 3, lines 5-15) X approximately 1mm (col. 1, lines 65-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Freeman in view of Crawford such that the card is approximately 85mm in length, 55mm in width, and approximately 1mm thick as taught by Haddock. The motivation for doing so would be to allow the card to be used like a regular banking/credit card (Freeman, col. 6, lines 55-65, and Figure 7).

9. Claims 15, 16, 26, 42, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Crawford as applied to claims 14, 23, and 41 above, and further in view of Gray (U.S. Patent 6,268,788).

Referring to Claims 15 and 42:

Freeman and Crawford disclose the limitations as discussed in Claims 14 and 41 above. Neither Freeman nor Crawford explicitly disclose, "said memory portion stores biometric identification data of a patron." However, Gray discloses said memory portion stores biometric identification data of a patron (col. 13, lines 40-45).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Freeman in view of Crawford such that a memory portion stores biometric identification data of a patron. One of ordinary skill in the art would have been motivated to do this because it would the system to verify the identity of the person using the card (col. 2, lines 40-50).

Referring to Claim 16:

Freeman in view of Crawford in view of Gray discloses the limitations as discussed in Claim 15 above. Freeman further discloses said memory portion stores data for at least one of display in said active display area, for user authentication, for patron preferences and for system data (col. 3, lines 30-40; 45-55).

Art Unit: 2135

Referring to Claim 26:

Freeman and Crawford disclose the limitations as discussed in Claim 23 above.

Neither Freeman nor Crawford explicitly disclose, "verifying an association between the patron and the authentication device prior to said granting."

Gray discloses verifying an association between the patron and the authentication device prior to said granting (col. 13, lines 40-45; col. 15, lines 1-15).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Freeman in view of Crawford such that an association between the patron and the authentication device is verified prior to said granting. One of ordinary skill in the art would have been motivated to do this because it would the system to verify the identity of the person using the card (col. 2, lines 40-50).

Regarding claim 43:

Freeman and Crawford disclose the limitations of Claim 32 above. Freeman further discloses wherein said memory portion stores data for at least one of display in said active display area, for user authentication, for patron preferences and for system data (col. 3, lines 45-55).



10. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman and Crawford as applied to claim 17 above, and further in view of Gebb (U.S. Patent 6,067,532).

Referring to claim 22:

Freeman and Crawford disclose the limitations as discussed in Claim 17 above.

Neither Freeman nor Crawford explicitly disclose "a phone ordering interface, coupling said database server to a public network; wherein said phone ordering interface communicates authentication data associated with a venue to said database server in response to a request by a patron received via a public switched telephone network (PSTN)". However, Freeman does disclose the use of a public network which uses a modem, a modem being known in the art as a device for converting digital signals into analog signals for use on a telephone network. A user can buy tickets via this network (Fig. 5A; col. 5, lines 50-65). In addition, Gebb discloses a phone ordering interface, coupling a database server to a public network (col. 4, lines 35-45) wherein said phone ordering interface communicates authentication data associated with a venue to a database server in response to a request by a patron received through a phone network (col. 6, lines 5-15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Freeman in view of Crawford such that the ticket could be ordered over the phone, as taught by Gebb. The motivation for doing so would be to reduce box-office lines (Freeman, col. 5, lines 55-65).

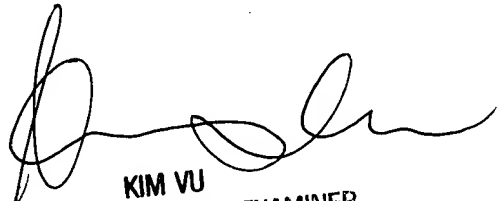
**Conclusion**

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Gyorfi whose telephone number is (571) 272-3849. The examiner can normally be reached on 8:30am - 5:00pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TAG  
9/24/07

  
KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100